

U.S. Patent Application Serial No. 10/500,141
Amendment filed April 5, 2006
Reply to OA dated January 11, 2006

REMARKS

Applicants hereby affirm the election of Claims 1-5 and 10-20. Claims 6-9 have been cancelled and will be made the subject of a divisional application.

Applicants have amended Claim 1 in order to remove the rejection based on 35 U.S.C. 112, second paragraph, and to clarify the present invention.

As now amended, Claim 1 is to a powder inhalator that has a housing, a supply member for holding a powdered drug for a large number of doses and having a drug discharge aperture at its bottom surface, and a drug carrier, to which the powdered drug is supplied from the drug discharge aperture of the supply member, and having on its upper surface a measuring recess that has a volume equivalent to one dose of the drug. An operation member is disposed so as to move freely back and forth, and operate the drug carrier, with the drug carrier moving in contact with the bottom surface of the supply member to carry the powdered drug loaded into the measuring recess from the position of the drug discharge aperture to an air inhalation channel. The drug carrier is supported pivotably in the housing so that the measuring recess reciprocates in a circular manner, relative to the drug discharge aperture of the supply member, by pivoting the drug carrier. Such an arrangement is not taught or suggested in the prior art.

In Response to the rejection based on indefiniteness, Claim 1 has been amended to provide that the measuring recess of the drug carrier “reciprocates in a circular manner relative to the drug discharge aperture of the supply member” (see page 23, lines 24+). It is circular motion between the measuring recess of the drug carrier and the drug discharge aperture that has circular movement. It

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is believed that the claim is now definite and supported by the specification.

In the Office Action, Claims 1, 2, 4, 5, 10-13 and 20 were rejected as anticipated under 35 U.S.C. 102(e) in view of O'Leary (U.S. 6,718,972) and Claims 3 and 14-19 as obvious under 35 U.S.C. 103(a) in view of that reference.

The Office Action alleges that O'Leary shows a powder inhaler having a housing, supply member (reservoir 14), for holding a supply of drug, having a discharge aperture (open end 46 of hopper 42) and a drug carrier (hopper 42). It is also alleged that the drug carrier (42) has a measuring recess (102) in its upper surface and that an operational member (cup sled 100) is disposed to move back and forth to operate the drug carrier to supply drug to an air inhalation channel (delivery passageway 34). It is then alleged that the drug carrier (42) is supported pivotable in the housing so that the measuring recess (102) moves in a circular manner by pivoting the drug carrier.

As O'Leary is understood, that inhaler has a drug cup (98) that is mounted on a sled (100) that slides in a slide channel (52) below hopper (42). The cup includes a recess (102) that receives a drug from dispenser port (44) and delivers the drug to the delivery passageway (34). There is no pivoting or circular motion of a recess of the drug carrier.

The O'Leary sled (100) appears to slide linearly with respect to the dispenser port (44) of reservoir (14). Thus, the O'Leary device is not arranged as is the present claimed powder inhalator, does not operate as does the present claimed inhalator, and would not provide the advantages described in the present specification.

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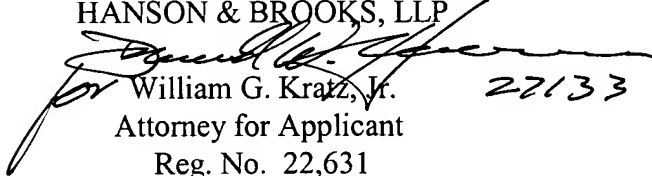
In view of the present amendment to the claims and the above remarks, Applicants' Claims 1-5 and 10-20, as amended, are believed to be patentable and early action towards allowance thereof is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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